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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,797	10/07/2003	John Benoit	905P187	4810

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EXAMINER

TA, THO DAC

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,797

Applicant(s)

BENOIT ET AL.

Examiner

Tho D. Ta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 4-9, 21-32 and 34-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-20, 33 and 53-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 40-54 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/25/04.
2. Claims 4-9 have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 10, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 4-9 have not been further treated on the merits.
3. Claims 21 and 34 have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 13, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 21 and 34 have not been further treated on the merits.
4. Claims 22, 35 and 39 have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 12, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn

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to a non-elected invention. Accordingly, claims 22, 35 and 39 have not been further treated on the merits.

5. Claims 23, 36, have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 11, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 23, 36, 54, 59, 60, 65 and 66 have not been further treated on the merits.

6. Claims 24-27 have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 15, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 24-27 have not been further treated on the merits.

7. Claims 28-32 have been elected by the applicants as part of element 1 (Figures 1 and 2). However, they are only directed to Figure 7, thus they are also withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Accordingly, claims 7 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 10, 12, 13, 33, 37, 38, 53, 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyde (6,376,770).

In regard to claim 1, Hyde discloses an electrical wiring system including at least one electric circuit, the electric circuit including a plurality of wires 5 configured to transmit electric power from an electric power source (column 9, lines 31-33), the system comprising: a plug connector device 310, 320 configured to terminate the plurality of wires 5, the plurality of wires 5 being configured to transmit electrical power provided by an electrical power distribution system; and an electrical wiring device 10 configured to provide the electrical power to a load, the electrical wiring device 10 including a receptacle 100 disposed therein, the receptacle 100 being configured to receive the plug device 310, 320, whereby electrical continuity is established between the electrical wiring device 10 and the plurality of wires 5 when the plug device 310, 320 is inserted into the receptacle 100.

In regard to claim 2, Hyde discloses that the plug device 310 includes female electrical contacts and the receptacle 100 includes male electrical contacts (see figures 34-37).

In regard to claim 3, Hyde discloses that the plug device 320 includes male electrical contacts and the receptacle 100 includes female electrical contacts (see figures 34-37).

In regard to claim 10, Hyde discloses that the plurality of wires 5 includes an AC power conductor and a neutral conductor (this is inherent).

In regard to claim 12, Hyde discloses that the plurality of wires 5 includes a ground wire (see 124 or 143).

In regard to claim 13, Hyde discloses that an electrical receptacle 1 configured to accept a power plug coupled to an electrical load.

In regard to claim 33, Hyde discloses a method for installing electrical wiring, the method comprising: installing a plurality of wires 5 from a first location to an electrical device location, at least a portion of the plurality of wires 5 being configured to transmit electrical power; terminating the plurality of wires 5 with a plug connector 310, 320; providing an electrical wiring device 10 configured to provide electrical power to a load, the electrical wiring device 10 including a receptacle 100 disposed therein, the receptacle 100 being configured to receive the plug device 310, 320; and inserting the

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plug connector 310, 320 into the receptacle 100, whereby electrical continuity is established between the electrical wiring device 10 and the plurality of wires 5.

In regard to claim 37, Hyde discloses that the plug device 310 includes female electrical contacts and the receptacle 100 includes male electrical contacts (see figures 34-37).

In regard to claim 38, Hyde discloses that the plug device 320 includes male electrical contacts and the receptacle 100 includes female electrical contacts (see figures 34-37).

In regard to claim 53, Hyde discloses a connector device 300 for interconnecting a plurality of wires 5 that are adapted to transmit power provided by an electrical distribution system to an electrical device 10, comprising: a housing adapted to be positioned in contacting relation with the electrical device 10; and a plurality of electrical contacts 123 connected to the housing and to which the plurality of wires 5 are electrically connected.

In regard to claim 55, Hyde discloses a method for interconnecting a plurality of wires 5 that are adapted to transmit power provided by an electrical distribution system to an electrical device 10, comprising the steps of: providing a connector device 310, 320 that is adapted to be operably received by the electrical device 10 and that includes

a first plurality of electrical contacts 123 disposed therein; connecting the plurality of wires 5 to the first plurality of electrical contacts 123; providing the electrical device 10 with a predetermined area 100 in which a second plurality of electrical contacts are disposed; and placing the connector device 300, 320 into electrical communication with the electrical device 10, wherein the first plurality of electrical contacts 123 are in contacting relation with corresponding ones of the second plurality of electrical contacts (see figures 27 and 28).

In regard to claim 56, Hyde discloses that the predefined area 100 is a receptacle adapted to receive the first plurality of contacts 123 therein.

In regard to claims 57 and 58, Hyde discloses that the second plurality of electrical contacts comprise female receptacles (this is inherent).

10. Claims 53-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Furrow (5,015,203)

In regard to claim 53, Furrow discloses a connector device 12 for interconnecting a plurality of wires¹⁴ that are adapted to transmit power provided by an electrical distribution system to an electrical device 6, comprising: a housing 106 adapted to be positioned in contacting relation with the electrical device 6; and a plurality of electrical contacts 108 connected to the housing 106 and to which the plurality of wires are electrically connected.

In regard to claim 54, Furrow discloses that the plurality of contacts 108 are each electrically conducting blades.

In regard to claim 55, Furrow discloses a method for interconnecting a plurality of wires that are adapted to transmit power provided by an electrical distribution system to an electrical device 6, comprising the steps of: providing a connector device 12 that is adapted to be operably received by the electrical device 6 and that includes a first plurality of electrical contacts 108 disposed therein; connecting the plurality of wires to the first plurality of electrical contacts 108; providing the electrical device 6 with a predetermined area (adjacent 20) in which a second plurality of electrical contacts 54 are disposed; and placing the connector device 12 into electrical communication with the electrical device 6, wherein the first plurality of electrical contacts 108 are in contacting relation with corresponding ones of the second plurality of electrical contacts 54.

In regard to claim 56, Furrow discloses that the predefined area is a receptacle adapted to receive the first plurality of contacts 108 therein.

In regard to claims 57 and 58, Furrow discloses that the second plurality of electrical contacts 54 comprise female receptacles.

In regard to claims 59 and 60, Furrow discloses that the first plurality of electrical contacts 108 comprise blades.

In regard to claim 61, Furrow discloses an electrical wiring system including at least one electric circuit having a plurality of wires adapted to transmit electric power from an electric power source to an electrical device 6, comprising: an electrical device 6 comprising a predefined area 100 in which a first plurality of electrical contacts 54 are positioned; a connector device 12 adapted to be positioned in contacting relation with the electrical device 6; and a second plurality of electrical contacts 108 disposed in the connector 12 and to which the plurality of wires are electrically connected, and adapted to be placed in electrical contact with the first plurality of electrical contacts 54.

In regard to claim 62, Furrow discloses that the predefined area 100 is a receptacle adapted to receive the second plurality of contacts 108 therein.

In regard to claim 63, Furrow discloses that the first plurality of electrical contacts 54 comprise female receptacles.

In regard to claim 64, Furrow discloses that the first plurality of electrical contacts 54 comprise female receptacles.

In regard to claims 65, 66, Furrow discloses that the second plurality of electrical contacts 108 comprises blades.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 11, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde.

Hyde is silent about the configuration of wires 5.

Official Notice is taken that both the concept and the advantages of providing three phase power or electrical switch or a GFCI device or a lighting fixture or a sensor device or a transient voltage surge suppressor or an environment regulation device or a timer device for the electrical wiring system are well known and expected in the art.

Response to Arguments

13. Applicant's arguments filed 5/16/05 have been fully considered but they are not persuasive.

In response to applicant's argument regarding the Election/Restriction.

The examiner previously stated that "the restriction is made because the application contains patentably distinct species of the claimed invention". Applicant was then reminded that if applicant wishes to traverse on the ground that the species are not

patentably distinct, applicant should submit evidence or identify such evidence now of record.

The MPEP requires that the examiner "...must examine..." the application on the merits if two conditions are met; the first condition is "...the search....can be made without a serious burden...". The second condition is "...examination of the entire application can be made without a serious burden...". The MPEP requires not just one condition (i.e. the search), but two conditions (e.g. "...search and examination...").

A key element concerning the "...examination of the entire application..." is if the species are patentably distinct. If the species are not patentably distinct, then the examination may not be a burden. However, if the species are patentably distinct, then the examination is seen to be a burden because of the intricacies associated with the patentably distinct species.

Applicant was advised to "submit evidence or identify such evidence now of record" if the species were not patentably distinct in order to make the record clear concerning the examination and its associated burden (2nd condition from the MPEP). However, Applicant did not make any attempts to address if the species were or were not patentably distinct. The examination of the distinct species is therefore deemed to be a burden and meets the second condition of the restriction section of the MPEP.

Therefore, the Election of Species Requirement is still deemed proper and is therefore made FINAL.

In response to applicant's argument that "Hyde requires three elements to provide power to a load": the plug connector, the intermediate receptacle base 100, and a separate wiring device. The present invention only requires two elements – the plug connector and the wiring device.

First, the claim does not recite that the electrical wiring and the receptacle is monolithically formed as a one-piece construction. Second, the word "comprising" in the claim does not limit the electrical wiring system to have more than two elements.

In response to applicant's argument that Furrow is directed to a four element system.

First, the claim does not recite that the electrical wiring and the receptacle is monolithically formed as a one-piece construction. Second, the word "comprising" in the claim does not limit the electrical wiring system to have more than two elements.

In response to applicant's argument that the electrical wiring devices of Furrow do not mate with a plug.

It is noted that the feature upon which applicant relies (i.e., a plug) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

First, because the Applicant's motivation is obvious, old and well known in the art, one of ordinary skill in the art would find that the concept and the advantages of providing three phase power or electrical switch or a GFCI device or a lighting fixture or a sensor device or a transient voltage surge suppressor or an environment regulation device or a timer device for the electrical wiring system would provide a versatile electrical wiring system. Second, it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tdt
08/08/05



THO D. TA
PRIMARY EXAMINER